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**Law on the status of teachers,
employment law relating to teachers**


Case of Belarus



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Labour legislation

- In the Labour Code of Republic of Belarus there are no special norms which directly regulate the work of educators (teachers, pedagogues).
- At the same time by part one of the Art. 319 of the Labour Code it is determined that features of regulation of work of creative, pedagogical, scientists (competitive replacement of positions, hourly compensation, etc.) are established by special legislations.




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Legal regulation of educators' work

- On 1/13/2011 the President of Republic of Belarus signed the Code of the Republic of Belarus of education which came into force on 9/1/2011.
- The legal base establishing legal status of pedagogues and other employees of institutions of education is depicted in chapter 6 of the Code (Art. 50-54).




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Who are educators (pedagogues, pedagogical workers)?

- In Art. 50 of the Code of education it is specified that educators are the persons who carry out pedagogical activity (work with the contents of educational programs, programs of education, carry out scientific and methodical work in education and (or) lead educational activity of establishment of education, its structural divisions).



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Who are educators (pedagogues, pedagogical workers)?

- At the same time it is written that only natural persons on the basis of the employment or civil contract, individual entrepreneurs, who according to the legislation have been granted the right to carry out educational activity can carry out pedagogical activity.

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Who are educators (pedagogues, pedagogical workers)?

- The Code of education also contains the list of the educators (pedagogues, teachers, pedagogical workers) belonging to the faculty.
- The rights and duties of specified persons are defined by Labour Code, peculiarities of institutions of education, other local regulations, employment contracts (contracts).

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Restrictions for pedagogical (educational) work

- According to Art. 51 of the Code of education persons can't carry out pedagogical activity in the following situations (cases): the deprived rights to be engaged in pedagogical activity; having criminal record; recognized as incapacitated or it is limited by capable; not having right to be engaged in pedagogical activity in the cases depicted in legislation.

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Case

- For example, during the of work on a teaching position of a higher educational institution the member of the teaching staff according to the court verdict and commission of the criminal offense (corruption matter) was punished in the form of restriction of freedom with deprivation of the right to hold a teaching position. Dismissal of this worker at the same time can be made only after the introduction in validity of the court verdict in the terms established by the criminal procedure legislation on the cassation appeal or protest in a cassation order.

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Case

- After the reduction is effective, the copy of the verdict is sent to the place of work of the convict. The employer at receipt of this copy dissolves the employment contract with the worker according to the Art. 44 of the Labour Code (the introduction in validity of an arrangement of court by which the worker is condemned to the punishment excluding the possibility of further teaching work).



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- The Decision of the Council of ministers of the Republic of Belarus No. 76 (1/23/2009 "About the positions connected with full-time employment for the persons who had earlier committed crimes can't occupy" was adopted. The specified resolution has approved the list of the positions connected with implementation of educational functions concerning students and also other positions connected with full-time employment which can not be occupied by the persons who have earlier committed crimes against sexual integrity or sexual freedom.



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Case

- According to part one of Art. 51 of the Criminal Code the term of the criminal penalty connected with deprivation of the right to hold certain positions or to be engaged in a certain activity is differentiated depending on character and extent of the committed crime and can be from 1 year to 5 years.
- At the same time the resolution No. 76 has defined a possibility of establishment of the termless ban on holding the posts, connected with implementation of teaching and educational activity with minors, in connection with the court verdict which has taken legal effect for commission of the crimes listed above.



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Regulation of the labor relations with the faculty of higher educational institutions

- The order of holding a competition for the replacement of positions of teaching staff from among the faculty at the institutions of higher education of the Republic of Belarus irrespective of departmental accessory and form of ownership is regulated by the Rules of holding a competition for replacement of positions of teaching staff from among the faculty at the institutions of higher education of the Republic of Belarus approved by the resolution of the Council of ministers of the Republic of Belarus (6/21/2011 No. 806).



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Regulation of the labor relations with the faculty of higher educational institutions

- The teaching faculty of institutions of education which is replaced on a competition model are the positions: assistant professor, senior lecturer, associate professor, professor, the head of the department.
- Positions of educators (teaching staff) are replaced on a competition model for a period of up to 5 years



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Industrial agreement between the Ministry of Education of the Republic of Belarus and Belarusian Labor Union of educators and scientists

- Practice shows that at the institutions of education in most cases teaching staff works on the base of the long term contract.
- It must be kept in mind that for the pedagogical and other employees of institutions of education subordinated directly to the Ministry of Education of the Republic of Belarus some peculiarities in conclusion, change, extension and the termination of contracts exist.
- These peculiarities were fixed in the Agreement between the Ministry of Education of the Republic of Belarus and the Belarusian labor union of educators and scientists. This Agreement was signed on 4/25/2010 and registered 3/18/2010 by the Ministry of Labour and Social security of the Republic of Belarus.



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Thank you very much !